

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

JAMES RUFF,

Plaintiff,

v.

Honorable Thomas L. Ludington  
Case Number : 07-15443-BC

MICHIGAN DEPARTMENT OF CORRECTIONS,  
CORRECTIONAL MEDICAL SERVICES,  
DR. PAUL PIPER, DR. SEETHA VADLAMUDI,  
WARDEN SCOTT NOBLES, JOHN DOE, *CMS*  
*Employees,*

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION,**  
**OVERRULING PLAINTIFF'S OBJECTIONS,**  
**DISMISSING DEFENDANTS MDOC AND NOBLES**

This matter is before the Court on a report issued by Magistrate Judge Charle E. Binder on April 11, 2008. The magistrate judge recommended dismissing in part Plaintiff James Ruff's complaint. He concluded that Defendant Michigan Department of Corrections (MDOC) is protected from suit by state sovereign immunity and that Plaintiff failed to state a claim against Defendant Scott Nobles, where he asserts only Defendant Nobles' purported knowledge of a circumstance but not any active unconstitutional conduct.

Plaintiff timely objected to the magistrate judge's report and recommendation. Plaintiff provided a variety of materials, including his own medical records and excerpts from medical dictionaries, for the Court's consideration. These materials and Plaintiff's own discussion of his medical condition, however, do not respond to the legal bases for the magistrate judge's recommendation. The Court cannot discern in Plaintiff's materials either a factual or legal basis for

departing from the magistrate judge's recommendation to dismiss Defendants MDOC and Nobles.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt #5] is **ADOPTED**, that Plaintiff's objections [dkt #6] are **OVERRULED**, and that Defendants MDOC and Nobles are **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: June 4, 2008

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 4, 2008.

s/Tracy A. Jacobs  
TRACY A. JACOBS